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October 22, 2004

Commissioner Jackalyne Pfannenstiel
Presiding Member, Efficiency Committee
Commissioner Art Rosenfeld
Associate Member, Efficiency Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

RE: Appliance Standards Awareness Project comments to Docket # 04-AAER-1

Dear Commissioners Pfannenstiel and Rosenfeld,

I am writing to applaud the California Energy Commission for advancing the 2004 revisions to the Title 20 appliance efficiency standards. These new standards offer tremendous energy savings and economic benefits for the state of California. Moreover, it is very likely that the direct benefits that the new standards create for California will be multiplied several times over in the years ahead as these common-sense standards are adopted by other states, and, in some cases, the federal government.

I am also writing to suggest several modifications to the certification and testing requirements included in the proposed regulations. Certification and marking/labeling are the program cornerstones necessary for achieving high levels of compliance with state standards at minimal cost to the state. In general, the CEC requires that manufacturers test their products in accordance with consistent test methods and then certify those results to the CEC. In some cases the CEC requires that products carry a simple label, phrase, or information indicating compliance with the CEC standards. In general, the Commission has proposed within the latest revisions to Title 20 the certification and labeling elements required to achieve high levels of compliance. However, there are a few specific areas where the proposed regulations fall short. I will detail those below.

04 AAER-1

CALIF ENERGY COMMISSION

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California's Title 20 Provides Benefits Beyond California's Borders.

According to the Commission's September 10, 2004 "Initial Statement of Reasons," the revisions to Title 20 will save Californians \$1.6 billion over 15 years. According to PG&E, the standards would result in more than 2,100 megawatts in peak demand reductions. However, the impacts of your new standards will reverberate far beyond California's borders. First, because of the size of the California market, your standards are likely to influence what gets sold in neighboring states and, in some cases, beyond. Second, your standards become the model for other states and the federal government when they consider new standards.

In just the last year, Maryland and Connecticut have passed laws establishing new efficiency standards programs covering nine and eight products, respectively. Similar laws have passed one chamber of the New Jersey and Pennsylvania legislatures and may reach final enactment this fall. The legislatures of several other states including Massachusetts, Illinois, Vermont, Rhode Island, Colorado and Maine have given serious consideration to such legislation. Many of these states are likely to take up such legislation again in 2005. Your work paves the way in developing reasonable technical standards that these other states can adopt. Moreover, California's testing, certification and labeling requirements ease the way for other states to follow in your footsteps. If a manufacturer is already testing, certifying and/or labeling for California, the incremental cost to do so for another state is nominal. (My organization, the Appliance Standards Awareness Project, works with a coalition of others to foster and assist efforts by states to adopt standards.)

As you are aware, your standards also can pave the way for strong national standards. Agreements with national manufacturer trade associations for national standards have been concluded or nearly concluded for eight products. The agreed-upon standards have been included in federal legislation, but the legislation has not yet been enacted. Absent state standards, it is unlikely that manufacturers would have agreed to national standards for these products at the efficiency levels established by California.

Based on analysis for ASAP by ACEEE, if fifteen of the standards in the current or proposed Title 20 were to become national requirements at the levels set by the CEC, the nation as a whole would save 52,000 gigawatt hours annually by 2030 and national peak demand would be reduced by about 13,000 megawatts.

Strengthening Certification and Labeling.

The Commission's certification and marking/labeling requirements are crucial to achieving good compliance with the California standards and, as noted, ease the way for additional states to adopt the CEC standards. There are a few places where the proposed Title 20 certification and labeling requirements fall short. In the paragraphs below, I specify where I believe the proposal falls short and make suggestions for improvement.

- a. Certification for Torchieres: This product is one of just a handful which the Commission exempts from certification. I recommend that the CEC remove the exemption from certification for torchieres. When the CEC established this standard in 2002, it predicted that this standard would reduce peak demand by 396 megawatts. However, it has been reported by efficiency experts familiar with the California requirements that non-compliant torchieres can be found for sale in the state. A certification requirement would be an important first step for the CEC to begin to more effectively enforce this standard. I suggest that with manufacturer certification the CEC should require manufacturers to provide the maximum wattage of their product when tested per the CEC standard. There are currently about 130 Energy Star compliant torchieres listed in the EPA database. While a few more can be expected to meet the California standard which is less stringent than the Energy Star criteria, the data collection task for the CEC should be no more onerous than other Title 20 standards.
- b. Certification and Labeling for Digital Television Adapters (DTAs): I recommend that the CEC require certification and labeling for DTAs. DTAs are a new product that will become common as broadcast television switches to digital formats. After the digital transition, some consumers will want to continue to use their existing analog TVs to receive broadcast signals rather than purchase a new, digital TV. To do so, they will need a DTA. Setting a standard for these products will ensure that these new devices do not use an excessive amount of power and avoid a flood of inefficient products.

This product is included within one of the two product categories for which the CEC requires neither certification nor labeling. (External power supplies, mentioned below, are the other.) This invites non-compliance. Therefore, I suggest that the CEC should require that DTA manufacturers certify their products to the CEC. Data submitted to the CEC with certifications should include standby watts and active mode watts consumed when tested per the CEC standards. We are not expecting large number of DTA products to be marketed, so certification for this product should be no harder than certification for many of the currently certified products. Furthermore, data collected through such a certification process will be very useful for future standards-setting and other energy-efficiency program efforts.

I also suggest that the CEC require these products to carry a simple label such as the "circle E" mark which the CEC requires on exit signs. This is a quarter inch label that may be placed on the package or the product. It enables easy determination of whether a product being sold is in compliance with the standards. We have recently recommended to Maryland that they adopt the circle E mark for products subject to their standards. (Maryland had considered a different label. By shifting to the "circle E" mark, they will be using a label that can be used by any other state which adopts similar standards. A consistent labeling requirement across states avoids a patchwork of state requirements and thus reduces the burden of compliance with state standards for manufacturers.) If

the Commission determines that certification of this product is not feasible at this point, the label becomes even more important. Absent either a certification or labeling requirement, the Commission will have to purchase and test individual products to find out if manufacturers are actually complying with the standards.

- c. Labeling for other Consumer Electronics: I recommend that the Commission require the "circle E" label for other consumer electronics as well. As with DTA's, these products are currently exempted from the certification requirements. Absent a label, it will be impossible to know if products such as DVD players and televisions are in compliance with the standards without purchasing and testing individual products. However, given the sheer volume of products covered by this standard and the number of other products addressed in the current rulemaking, it seems reasonable to me that the CEC would not require certification of these products at this time in order to reduce the burden on CEC staff responsible for the certification effort.
- d. Testing and Listing for Integrated Receiver Decoders (IRDs): I support NRDC's recommendation for a test and list requirement for IRDs. Such a requirement is crucial for providing information on the range of efficiency performance available from these products and, thus, information crucial for the development of both voluntary programs and consideration of a future standard. Because these products are evolving rapidly, up-to-date data is especially important.
- e. Labeling of External Power Supplies. I support NRDC's recommendation for a label for external power supplies. As with DTAs and other consumer electronics, the proposed regulations require neither certification or labeling. A label is crucial for encouraging compliance and for easily determining if products sold in the state meet the standard. I understand that NRDC has provided details to the CEC on their recommendations.

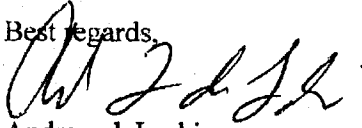
The CEC staff does an extraordinary job of delivering the state standards program, especially considering the very limited budget and staff hours available to the program. I recognize that each additional product that must be certified places an incremental responsibility on CEC staff. In the recommendations above, I have attempted to suggest certification requirements only in cases where the number of products certified should be manageable and to suggest certification of limited information. I hope that CEC staff will concur that these tasks are manageable. However, if staff resources are a constraint preventing adoption of the above recommendations, I urge you to either find new resources to carry out these tasks or to phase in certification requirements to spread out the task over time. Absent the certification and labeling requirements suggested above, some of the large potential savings predicted for the new standards could be jeopardized.

California's efforts pay dividends for energy savings all around the country. Each of these standards will be given serious consideration in other states next year. By putting

in place not just effective standards, but effective certification and labeling for encouraging and enforcing compliance, the CEC provides a model for these other states.

Thank you once again for your leadership in establishing state energy efficiency standards. Please do not hesitate to contact me if you have any questions related to these comments.

Best regards,

A handwritten signature in black ink, appearing to read "Andrew deLaski".

Andrew deLaski
Executive Director

Cc: Docket Office
Docket No. 04-AAER-1
1516 Ninth St. M.S. 4
Sacramento, CA 95814-5512